

**CONFIDENTIAL**

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OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 13 May 1970

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Mr. William Woodruff, Counsel, Senate Appropriations Committee, called to call our attention to section 7 of H.R. 15628 (Foreign Military Sales Act) prohibiting assistance to Cambodia (Church-Cooper-Aiken-Mansfield amendment) as reported out by the Senate Foreign Relations Committee today.

**CONFIDENTIAL**

May 14, 1970

## CONGRESSIONAL RECORD — SENATE

S 7179

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) would each vote "yea."

The vote was recapitulated.

After some delay:

Mrs. SMITH of Maine. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for.

The result was announced—yeas 84, nays 7, as follows:

[No. 148 Leg.]

YEAS—84

Aiken	Gurney	Packwood
Allen	Hansen	Pastore
Anderson	Hartke	Pearson
Baker	Hatfield	Pell
Bellmon	Holland	Percy
Bible	Hollings	Prott
Boggs	Hruska	Proxmire
Burdick	Hughes	Randolph
Byrd, Va.	Jackson	Schweiker
Byrd, W. Va.	Javits	Scott
Case	Jordan, N.C.	Smith, Ill.
Church	Jordan, Idaho	Sparkman
Cook	Magnuson	Spong
Cooper	Mansfield	Stevens
Cranston	McClellan	Symington
Dole	McGee	Talmadge
Eagleton	McGovern	Tydings
Eliender	McIntyre	Williams, Del.
Fannin	Miller	Young, N. Dak.
Fong	Moss	Young, Ohio
Gore	Muskie	
Griffin	Nelson	

NAYS—7

Allott	Ervin	Tower
Curtis	Smith, Maine	
Eastland	Thurmond	

NOT VOTING—29

Bayh	Gravel	Montoya
Bennett	Harris	Mundt
Brooke	Hart	Murphy
Cannon	Inouye	Ribicoff
Cotton	Kennedy	Russell
Dodd	Long	Saxbe
Dominick	Mathias	Stennis
Fulbright	McCarthy	Williams, N.J.
Goldwater	Metcalf	Yarborough
Goodell	Mondale	

So the second committee amendment, on page 2, beginning on line 19, was agreed to.

The PRESIDING OFFICER. The clerk will report the final committee amendment.

The LEGISLATIVE CLERK. On page 4, line 21, insert the language down to and including line 21 on page 9.

The committee amendment is as follows:

Beginning on page 4, after line 20, insert as follows:

Sec. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

"SEC. 47. PROHIBITION OF ASSISTANCE TO CAMBODIA.—In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

(1) retaining United States forces in Cambodia;

(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction

to Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces."

Sec. 8. Unless the sale, grant, loan, or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam. For purposes of this section, "International Fighter aircraft" means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91-121 (relating to military procurement for fiscal year 1970 and other matters).

Sec. 9. (a) Subject to the provisions of subsection (b), the value of any excess defense article given to a foreign country or international organization during any fiscal year shall be considered to be an expenditure made from funds appropriated for that fiscal year to carry out the provisions of part II of the Foreign Assistance Act of 1961, and at the time of the delivery of that article a sum equal to the value thereof shall be withdrawn from such funds and deposited in the Treasury as miscellaneous receipts.

(b) The provisions of subsection (a) shall apply during any fiscal year only to the extent that the aggregate value of all such articles so given during that year exceeds \$35,000,000.

(c) For purposes of this section "value" means not less than 50 per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

At the top of page 7, insert a new section, as follows:

Sec. 10. (a) No excess defense article may be given, and no grant of military assistance may be made, to a foreign country unless the country agrees—

(1) to deposit in a special account established by that country the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 50 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

(B) in the case of a grant of military assistance to be made to that country, an amount equal to 50 per centum of each such grant; and

(2) to make available to the United States Government, for use in paying obligations of the United States in that country and in financing international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961, such portion of the special account of that country as may be determined, from time to time, by the President to be necessary for any such use.

(b) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section.

At the top of page 7, insert a new section, as follows:

Sec. 11. (a) In considering a request for approval of any transfer of a defense article to another country under section 505 (a) (1) and (a) (4) of the Foreign Assistance Act of 1961, and section 3 (a) (2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country.

(b) The President shall not consent to the transfer by any foreign country or person to a third or subsequent country or person of any defense article given, loaned, or sold by the United States, or the sale of which is financed by the United States (through credit, guaranty, or otherwise), unless the foreign country or person which is to make the transfer first obtains from the country or person to which the transfer is to be made an agreement that such country or person will not give, sell, loan, or otherwise transfer such article to any other foreign country or person (1) without the consent of the President, and (2) without agreeing to obtain from such other foreign country an agreement not to give, sell, loan, or otherwise transfer such article without the consent of the President.

Sec. 12 (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for any purpose shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law hereafter enacted which specifically repeals or modifies the provisions of this section.

Sec. 13. For purposes of sections 9, 10, and 11—

(1) "defense article" and "excess defense articles" have the same meanings as given them in section 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961; and

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

Mr. GRIFFIN. Mr. President, the Chair said "the final committee amendment." Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, is the amendment now pending?

The PRESIDING OFFICER. The amendment is now pending.

The question is on agreeing to the amendment.

Mr. HOLLAND and Mr. HANSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HOLLAND. Mr. President, I would like to address a question to the Senator now handling the bill. I note that part of the amendment; namely, section 10, beginning at the top of page 7, and extending to the end of that section—indeed, extending to the bottom of page 9, I think—relates in part to what is called "excess defense article" and "excess defense articles."

I ask the handler of the bill if he can supply for the Record a statement as to whether that term includes captured materiel captured by our forces or coming into the possession of our forces,